

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ELLEN ANNETTE GILBOY,</b>	:	<b>CIVIL ACTION NO. 3:12-CV-1237</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>FORMER STATE SENATOR</b>	:	
<b>ROBERT J. MELLOW, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 10th day of September, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 4), recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. 2) be granted and the complaint (Doc. 1) be dismissed, and, following an independent review of the record and noting that plaintiff filed objections<sup>1</sup> to the report on August 28, 2012 (Doc. 9), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Carlson's report (Doc. 4), it is hereby ORDERED that:

---

<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 4) are ADOPTED.
2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is GRANTED.
3. Plaintiff's complaint (Doc. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(I) and (ii).
4. Plaintiff's motion to appoint counsel (Doc. 7) is DENIED as moot.
5. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge